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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _30 July 2006_.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-25_ is/are pending in the application.
        4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-25_ is/are rejected.
7)☒ Claim(s) _1, 5, 9, 14, 18, 20 & 23_ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
        Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
        Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
        a)☐ All   b)☐ Some * c)☐ None of:
            1.☐ Certified copies of the priority documents have been received.
            2.☐ Certified copies of the priority documents have been received in Application No. _____.
            3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
        * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
        Paper No(s)/Mail Date _11/8/2006_.
4) ☐ Interview Summary (PTO-413)
        Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

Introduction

1.   The following is a non-final office action in response to the communications

received on 7/30/2006. Claims 1-25 are now pending in this application.

Information Disclosure Statement

2.   The information disclosure statement (IDS) submitted on 11/8/2006 was

considered by the examiner.

Claim Objections

3.   Claims 1, 5, 9, 14, 18, 20 & 23 are objected to because of the following

informalities: Applicant mixes the description of a system and a method in both the

preamble and the body of claims thereby making the claim language vague and

indefinite. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

5.   Claims 6 & 7 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention. Applicant fails to accurately describe what is meant

by "second bidders" as in "the second bidders comprise all other bidders" and "second

bidders comprise more than one and less than all other bidders"

Claim Rejections - 35 USC § 102

6.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7.   Claims 5-8 & 14-25 are rejected under 35 U.S.C. 102(b) as being anticipated by

Montgomery 2002/0038282 A1.

As per claim 5, Montgomery 2002/0038282 A1 teaches a method for use with a bidding

apparatus including a computer, a computer based auction system, the auction system

communicatively coupled with sellers and bidders, the system having records indicative

of sellers of items and records indicative of bidders for the items and identifying for each

item a winning bidder in an auction, the method comprising the steps, performed by a

first bidder, of:

by the first bidder, selecting a first item ("The Buyer can select the targeted auction and

auctioned item (product) from a result list. The result list can be created by use of a

meta search engine. One or more items, i.e., products, can then be selected from the

result list to receive automated bids placed by the buyer's bidding proxy." Montgomery

2002/0038282 A1 ¶ [0010]);

by the computer, obtaining information indicative of identities of second bidders other than the first bidder who previously placed respective bids for the first item ("The Buyer can select the targeted auction and auctioned item (product) from a result list. The result list can be created by use of a meta search engine. One or more items, i.e., products, can then be selected from the result list to receive automated bids placed by the buyer's bidding proxy." Montgomery 2002/0038282 A1 ¶ [0010]);

by the computer, finding second items other than the first item for which bids have been placed by one or more of the second bidders ("FIG. 2 depicts an exemplary embodiment of a flow diagram illustrating a Cascaded Bid service that can enable the buyer to select multiple auctions for the same or several different items and can enter them into a linked, bid cascade according to the present invention" Montgomery 2002/0038282 A1 ¶ [0033]);

by the first bidder, choosing a second item for which the auction has not yet ended and for which the first bidder has not yet placed a bid ("The method can enable activation of bid proxies as an auction nears completion to begin placing bids until the auction is won or lost by auction closing and can confirm a counter-offer has not out-bid. The method can compute and execute another higher bid if a counter-offer has been made and accepted, higher than the most recent bid detected" Montgomery 2002/0038282 A1 Abstract); and

by the first bidder, placing a bid for the second item prior to the end of the auction, the bid higher than any bid previously placed for the second item. ("FIG. 2 depicts an exemplary embodiment of a flow diagram illustrating a Cascaded Bid service that can

enable the buyer to select multiple auctions for the same or several different items and can enter them into a linked, bid cascade according to the present invention" Montgomery 2002/0038282 A1 ¶ [0034])

As per claim 6, Montgomery 2002/0038282 A1 teaches a method of claim 5 wherein the second bidders comprise all other bidders who previously placed respective bids for the first item. ("The bid engine can scan the active bids for all buyers and can determine which bids are ready to execute based on their time to close activation parameter. The bid engine can then scan the targeted auction site to determine the current high bid and bidder." Montgomery 2002/0038282 A1 ¶ [0072])

As per claim 7, Montgomery 2002/0038282 A1 teaches a method of claim 5 wherein the second bidders comprise more than one and less than all other bidders who previously placed respective bids for the first item. ("The bid engine can scan the active bids for all buyers and can determine which bids are ready to execute based on their time to close activation parameter. The bid engine can then scan the targeted auction site to determine the current high bid and bidder." Montgomery 2002/0038282 A1 ¶ [0072])

As per claim 8, Montgomery 2002/0038282 A1 teaches a method of claim 5 further comprising the step of: by the first bidder, winning the auction. ("the current auction status within a time to auction close window (TACW) wherein said TACW spans a range of time beginning at a time calculated by subtracting an absolute time to start proxied

bidding from an auction end time, and ending with a time of the auction end time, wherein the TACW defines a period of time when a scan agent and a bid proxy work in tandem to place as many bids as necessary to win an auction" Montgomery 2002/0038282 A1 ¶ [0020])

As per claim 14, Montgomery 2002/0038282 A1 teaches a method for use with a computer-based auction system, the auction system communicatively coupled with sellers and bidders, the system having records indicative of sellers of items and records indicative of bidders for the items and identifying for each item a winning bidder in an auction, the method comprising the steps, performed by a first bidder, of:

by the first bidder, selecting a first item for which the first bidder has placed a bid ("The Buyer can select the targeted auction and auctioned item (product) from a result list. The result list can be created by use of a meta search engine. One or more items, i.e., products, can then be selected from the result list to receive automated bids placed by the buyer's bidding proxy." Montgomery 2002/0038282 A1 ¶ [0010]);

by the computer, obtaining information indicative of identities of second bidders other than the first bidder who previously or subsequently placed respective bids for the first item ("The Buyer can select the targeted auction and auctioned item (product) from a result list. The result list can be created by use of a meta search engine. One or more items, i.e., products, can then be selected from the result list to receive automated bids placed by the buyer's bidding proxy." Montgomery 2002/0038282 A1 ¶ [0010]);

by the computer, finding second items other than the first item for which bids have been

placed by one or more of the second bidders ("FIG. 2 depicts an exemplary embodiment of a flow diagram illustrating a Cascaded Bid service that can enable the buyer to select multiple auctions for the same or several different items and can enter them into a linked, bid cascade according to the present invention" Montgomery 2002/0038282 A1 ¶ [0033]);

by the first bidder, choosing a second item for which the first bidder was not aware of the second item until after the auction ended ("FIG. 2 depicts an exemplary embodiment of a flow diagram illustrating a Cascaded Bid service that can enable the buyer to select multiple auctions for the same or several different items and can enter them into a linked, bid cascade according to the present invention" Montgomery 2002/0038282 A1 ¶ [0034]); and

by the first bidder, attempting to discern why the first bidder was not aware of the second item until after the auction ended. ("sending an alert to an administrator for the page and resulting navigation path to be retrained by the administrator using at least one of a neural net engine controlling the scan agent and another intelligent engine reprogramming mechanism, if the old information is not found." Montgomery 2002/0038282 A1 ¶ [0027])

As per claim 15, Montgomery 2002/0038282 A1 teaches a method of claim 14 wherein the step of attempting to discern comprises studying a listing classification for the second item. ("receiving a search query from the buyer for a desired product from the product auctions of a plurality of auction sites including at least one of keywords, model

identification, brand identification, synonyms, and unique identification, using at least

one of a search agent and a meta-search agent" Montgomery 2002/0038282 A1 ¶

[0011])

[As per claim 16, Montgomery 2002/0038282 A1 teaches a method of claim 14 wherein

the step of attempting to discern comprises studying words found in a listing title for the

second item. ("receiving a search query from the buyer for a desired product from the

product auctions of a plurality of auction sites including at least one of keywords, model

identification, brand identification, synonyms, and unique identification, using at least

one of a search agent and a meta-search agent" Montgomery 2002/0038282 A1 ¶

[0011])

As per claim 17, Montgomery 2002/0038282 A1 teaches a method of claim 14 wherein

the step of attempting to discern comprises studying words found in a listing description

for the second item. ("receiving a search query from the buyer for a desired product

from the product auctions of a plurality of auction sites including at least one of

keywords, model identification, brand identification, synonyms, and unique identification,

using at least one of a search agent and a meta-search agent" Montgomery

2002/0038282 A1 ¶ [0011])

As per claim 18, Montgomery 2002/0038282 A1 teaches a method for use with a

bidding apparatus including a computer, a computer- based auction system, the auction

system communicatively coupled with sellers and bidders, the system having records indicative of sellers of items and records indicative of bidders for the items and identifying for each item a winning bidder in an auction, the method comprising the steps of: by the searcher, selecting a first item ("The method can provide auction monitoring by scan agents of temporal progression of product auctions, and can notify someone via a messaging center of any changes in relevant aspects of the status that could prevent an initial bid from being placed by a bid proxy." Montgomery 2002/0038282 A1 Abstract);

by the computer, obtaining information indicative of identities of second bidders other than the first bidder who previously placed respective bids for the first item ("The Buyer can select the targeted auction and auctioned item (product) from a result list. The result list can be created by use of a meta search engine. One or more items, i.e., products, can then be selected from the result list to receive automated bids placed by the buyer's bidding proxy." Montgomery 2002/0038282 A1 ¶ [0010]);

by the computer, finding second items other than the first item for which bids have been placed by one or more of the second bidders ("FIG. 2 depicts an exemplary embodiment of a flow diagram illustrating a Cascaded Bid service that can enable the buyer to select multiple auctions for the same or several different items and can enter them into a linked, bid cascade according to the present invention" Montgomery 2002/0038282 A1 ¶ [0033]);

by the searcher, communicating the second items to a first bidder The method can provide auction monitoring by scan agents of temporal progression of product auctions,

and can notify someone via a messaging center of any changes in relevant aspects of

the status that could prevent an initial bid from being placed by a bid proxy"

Montgomery 2002/0038282 A1 Abstract);

by the first bidder, choosing a second item for which the auction has not yet ended and

for which the first bidder has not yet placed a bid ("The method can enable activation of

bid proxies as an auction nears completion to begin placing bids until the auction is won

or lost by auction closing and can confirm a counter-offer has not out-bid. The method

can compute and execute another higher bid if a counter-offer has been made and

accepted, higher than the most recent bid detected" Montgomery 2002/0038282 A1

Abstract); and

by the first bidder, placing a bid for the second item prior to the end of the auction, the

bid higher than any bid previously placed for the second item. ("FIG. 2 depicts an

exemplary embodiment of a flow diagram illustrating a Cascaded Bid service that can

enable the buyer to select multiple auctions for the same or several different items and

can enter them into a linked, bid cascade according to the present invention"

Montgomery 2002/0038282 A1 ¶ [0034])

As per claim 19, Montgomery 2002/0038282 A1 teaches a method of claim 18 further

comprising the step of: by the first bidder, winning the auction. ("the current auction

status within a time to auction close window (TACW) wherein said TACW spans a range

of time beginning at a time calculated by subtracting an absolute time to start proxied

bidding from an auction end time, and ending with a time of the auction end time,

wherein the TACW defines a period of time when a scan agent and a bid proxy work in tandem to place as many bids as necessary to win an auction" Montgomery 2002/0038282 A1 ¶ [0020])

As per claim 20, Montgomery 2002/0038282 A1 teaches a method for use with a bidding apparatus including a computer, a computer- based auction system, the auction system communicatively coupled with sellers and bidders, the system having records indicative of sellers of items and records indicative of bidders for the items and identifying for each item a winning bidder in an auction, the method comprising the steps of:

for a user, identifying instances of a bidder bidding on an item that the user has bid on;

if the number of such instances exceeds a predetermined threshold, adding that bidder to a list of bidders of interest. ("Next, site performance parameters are calibrated in step 810. Then in step 812, the item's current price and bidder is obtained. If the current price is from AP users proxied bid, at decision step 814, and if the bid is not closed at step 820, flow proceeds to fast scan 724. If the bid is closed at step 820, then the bid history and win status are logged at step 828 and stored in a transaction history 610." Montgomery 2002/0038282 A1 ¶ [0075])

As per claim 21, Montgomery 2002/0038282 A1 teaches a method of claim 20 further comprising the step, performed by the user, of manually adding a bidder to the list of bidders of interest. ("If the state sequence is at state s2, the buyer/bidder authentication

is entered at step 912. The state sequence then proceeds to the next state. In state s3, the bidder's bid is entered at step 914. The state sequence is then complete." Montgomery 2002/0038282 A1 ¶ [0078])

As per claim 22, Montgomery 2002/0038282 A1 teaches a method of claim 20 further comprising the steps of:

identifying by the computer, items for which an auction is pending, upon which one or more of the bidders from the list has bid; and by the user, bidding upon one of the identified items. ("The method can enable activation of bid proxies as an auction nears completion to begin placing bids until the auction is won or lost by auction closing and can confirm a counter-offer has not out-bid. The method can compute and execute another higher bid if a counter-offer has been made and accepted, higher than the most recent bid detected" Montgomery 2002/0038282 A1 Abstract)

As per claim 23, Montgomery 2002/0038282 A1 teaches a method for use with a bidding apparatus including a computer, a computer based auction system, the auction system communicatively coupled with sellers and bidders, the system having records indicative of sellers of items and records indicative of bidders for the items and identifying for each item a winning bidder in an auction, the method comprising the steps of:

For a user, identifying instances of a seller offering an item that the user has bid on ("The Buyer can select the targeted auction and auctioned item (product) from a result

list. The result list can be created by use of a meta search engine. One or more items,
i.e., products, can then be selected from the result list to receive automated bids placed
by the buyer's bidding proxy." Montgomery 2002/0038282 A1 ¶ [0010]);

if the number of such instances exceeds a predetermined threshold, adding that
seller to a list of sellers of interest. ("In one exemplary embodiment, the method can
further include: h. storing product preferences of the Buyer for products, including
preference information that can be used by at least one of a persistent search agent,
and a bid proxy operating under at least one of directed programmed bidding, and
algorithmically calculated bidding parameters." Montgomery 2002/0038282 A1 ¶ [0017])

As per claim 24, Montgomery 2002/0038282 A1 teaches a method of claim 23 further
comprising the step, performed by the user, of manually adding a seller to the list of
sellers of interest. ("In another exemplary embodiment of the present invention, a
system, method and computer program product for automating a Buyer's online,
electronic search agent of specific electronic auctions on a targeted auction site is set
forth including: a. providing a programmable search agent, from a server, that searches
auction catalogs of a plurality of auction sites and identifies correlations between
product parameters of a Buyer that can be at least one of entered and stored, and can
include at least one of keywords, product classifications, and price ranges, and products
that are listed for sale through dynamic price competitive bidding using a number of
electronic auction techniques including at least one of a Dutch, Yankee, and Reverse
auction techniques." Montgomery 2002/0038282 A1 ¶ [0018])

As per claim 25, Montgomery 2002/0038282 A1 teaches a method of claim 23 further

comprising the steps of:

identifying by the computer, items for which an auction is pending, for which the seller is

one of the sellers from the list; and by the user, bidding upon one of the identified items.

("The Buyer can select the targeted auction and auctioned item (product) from a result

list. The result list can be created by use of a meta search engine. One or more items,

i.e., products, can then be selected from the result list to receive automated bids placed

by the buyer's bidding proxy." Montgomery 2002/0038282 A1 ¶ [0010])

Claim Rejections - 35 USC § 103

8.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

9.   Claims 1-4 & 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Montgomery 2002/0038282 A1 in view of Harrington, 6,161,099.

As per claim 1, Montgomery 2002/0038282 A1 teaches a method for use with bidding

apparatus including a computer, and with a computer based auction system, the auction

system communicatively coupled with sellers and bidders, the system having records

indicative of sellers of items and records indicative of bidders for the items and

identifying for each item a winning bidder <u>in</u> an auction, the method comprising the steps of:

by the first bidder, selecting a first item ("The Buyer can select the targeted auction and auctioned item (product) from a result list. The result list can be created by use of a meta search engine. One or more items, i.e., products, can then be selected from the result list to receive automated bids placed by the buyer's bidding proxy." Montgomery 2002/0038282 A1 ¶ [0010]);

by the computer, obtaining information indicative of identities of second bidders other than the first bidder who previously placed respective bids for the first item ("The Buyer can select the targeted auction and auctioned item (product) from a result list. The result list can be created by use of a meta search engine. One or more items, i.e., products, can then be selected from the result list to receive automated bids placed by the buyer's bidding proxy." Montgomery 2002/0038282 A1 ¶ [0010])" ;

by the computer, finding second items other than the first item for which bids have been placed by one or more of the second bidders ("FIG. 2 depicts an exemplary embodiment of a flow diagram illustrating a Cascaded Bid service that can enable the buyer to select multiple auctions for the same or several different items and can enter them into a linked, bid cascade according to the present invention" Montgomery 2002/0038282 A1 ¶ [0033]); and

by the first bidder, attempting to discern why the first bidder was not aware of the second item until after the auction ended. ("sending an alert to an administrator for the page and resulting navigation path to be retrained by the administrator using at least

one of a neural net engine controlling the scan agent and another intelligent engine reprogramming mechanism, if the old information is not found." Montgomery 2002/0038282 A1 ¶ [0027])

Montgomery 2002/0038282 A1 fails to explicitly teach that the first bidder, choosing a second item for which the first bidder was not aware of the second item until after the auction ended.

Harrington, 6,161,099 teaches "The present invention can selectively provide information concerning the auction to participants and observers from the auctioneer's computer via the network after the closing of the auction." (Harrington, 6,161,099 col. 4, lines 52-55)

It would have been obvious to one of ordinary skill in the art at the time of the invention to review the transactions of a completed auction As in Harrington, 6,161,099 in the system executing the method of Montgomery 2002/0038282 A1. As in Harrington, 6,161,099, it is within the capabilities of one of ordinary skill in the art to second item for which the first bidder was not aware of the second item until after the auction ended to Montgomery's invention with the predictable result of entering items of interest into a buyer's database.

As per claim 2, Montgomery 2002/0038282 A1 further teaches a method of claim 1 wherein the step of attempting to discern comprises studying a listing classification for the second item. ("providing a programmable search agent, from a server, that searches auction catalogs of a plurality of auction sites and identifies correlations between

product parameters of a Buyer that can be at least one of entered and stored, and can include at least one of keywords, product classifications, and price ranges, and products that are listed for sale through dynamic price competitive bidding using a number of electronic auction techniques including at least one of a Dutch, Yankee, and Reverse auction techniques." Montgomery 2002/0038282 A1 ¶ [0018])

As per claim 3, Montgomery 2002/0038282 A1 further teaches a method of claim 1 wherein the step of attempting to discern comprises studying words found in a listing title for the second item. ("receiving a search query from the buyer for a desired product from the product auctions of a plurality of auction sites including at least one of keywords, model identification, brand identification, synonyms, and unique identification, using at least one of a search agent and a meta-search agent" Montgomery 2002/0038282 A1 ¶ [0011])

As per claim 4, Montgomery 2002/0038282 A1 further teaches a method of claim 1 wherein the step of attempting to discern comprises studying words found in a listing description for the second item. ("receiving a search query from the buyer for a desired product from the product auctions of a plurality of auction sites including at least one of keywords, model identification, brand identification, synonyms, and unique identification, using at least one of a search agent and a meta-search agent" Montgomery 2002/0038282 A1 ¶ [0011])

As per claim 9, Montgomery 2002/0038282 A1 teaches a method for use with a computer-based auction system, the auction system communicatively coupled with sellers and bidders, the system having records indicative of sellers of items and records indicative of bidders for the items and identifying for each item a winning bidder in an auction, the method comprising the steps, performed by a first bidder, of:

by the first bidder, selecting a first item ("The Buyer can select the targeted auction and auctioned item (product) from a result list. The result list can be created by use of a meta search engine. One or more items, i.e., products, can then be selected from the result list to receive automated bids placed by the buyer's bidding proxy." Montgomery 2002/0038282 A1 ¶ [0010]);

by the first bidder, obtaining information indicative of identities of second bidders other than the first bidder who previously placed respective bids for the first item ("The Buyer can select the targeted auction and auctioned item (product) from a result list. The result list can be created by use of a meta search engine. One or more items, i.e., products, can then be selected from the result list to receive automated bids placed by the buyer's bidding proxy." Montgomery 2002/0038282 A1 ¶ [0010]); and

by the first bidder, finding second items other than the first item for which bids .have been placed by one or more of the second bidders ("FIG. 2 depicts an exemplary embodiment of a flow diagram illustrating a Cascaded Bid service that can enable the buyer to select multiple auctions for the same or several different items and can enter them into a linked, bid cascade according to the present invention" Montgomery 2002/0038282 A1 ¶ [0033]).

Montgomery 2002/0038282 A1 fails to explicitly teach the first bidder, choosing a second item for which the first bidder was not aware of the second item until after the auction ended.

Harrington, 6,161,099 teaches "The present invention can selectively provide information concerning the auction to participants and observers from the auctioneer's computer via the network after the closing of the auction." Harrington, 6,161,099 col. 4, lines 52-55)

It would have been obvious to one of ordinary skill in the art at the time of the invention to review the transactions of a completed auction As in Harrington, 6,161,099 in the system executing the method of Montgomery 2002/0038282 A1. As in Harrington, 6,161,099, it is within the capabilities of one of ordinary skill in the art to second item for which the first bidder was not aware of the second item until after the auction ended to Montgomery's invention with the predictable result of entering items of interest into a buyer's database.

As per claim 10, Montgomery 2002/0038282 A1 further teaches a method of claim 9 further comprising the step, performed by the first bidder of:

attempting to discern why the first bidder was not aware of the second item until after the auction ended. ("sending an alert to an administrator for the page and resulting navigation path to be retrained by the administrator using at least one of a neural net engine controlling the scan agent and another intelligent engine reprogramming mechanism, if the old information is not found." Montgomery 2002/0038282 A1 ¶ [0027])

As per claim 11, Montgomery 2002/0038282 A1 further teaches a method of claim 10 wherein the step of attempting to discern comprises studying a listing classification for the second item. ("receiving a search query from the buyer for a desired product from the product auctions of a plurality of auction sites including at least one of keywords, model identification, brand identification, synonyms, and unique identification, using at least one of a search agent and a meta-search agent" Montgomery 2002/0038282 A1 ¶ [0011])

As per claim 12, Montgomery 2002/0038282 A1 further teaches a method of claim 10 wherein the step of attempting to discern comprises studying words found in a listing title for the second item. ("receiving a search query from the buyer for a desired product from the product auctions of a plurality of auction sites including at least one of keywords, model identification, brand identification, synonyms, and unique identification, using at least one of a search agent and a meta-search agent" Montgomery 2002/0038282 A1 ¶ [0011])

As per claim 13, Montgomery 2002/0038282 A1 further teaches a method of claim 10 wherein the step of attempting to discern comprises studying words found in a listing description for the second item. ("receiving a search query from the buyer for a desired product from the product auctions of a plurality of auction sites including at least one of keywords, model identification, brand identification, synonyms, and unique identification,

using at least one of a search agent and a meta-search agent" Montgomery 2002/0038282 A1 ¶ [0011])

Conclusion

The following is prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Fisher (US 5,835,896) teaches system and method for conducting a multi-person, interactive auction, in a variety of formats, without using a human auctioneer to conduct the auction. The system is preferably implemented in software. The system allows a group of bidders to interactively place bids over a computer or communications network. Those bids are recorded by the system and the bidders are updated with the current auction status information. When appropriate, the system closes the auction from further bidding and notifies the winning bidders and losers as to the auction outcome.

Ausubel (US 6,021,398) teaches a computer implemented system and method of executing an auction. The system has at least two intelligent systems, one for the auctioneer and at least one for a user. The auction is conducted by the auctioneer's system communicating with the user system(s). The auctioneer's system receives information from the user system(s) based on bid information entered by the user(s). With this information the auctioneer's system determines whether the auction can be concluded or not and appropriate messages are transmitted to the user(s).

McAfee (US 6,718,312 B1) teaches a method and system for dynamic combinatorial auctions employing bid composition restrictions is disclosed. Three exemplary types of bid composition restrictions, which may be applied either singly or in combination, are disclosed: non-additive activity restrictions, subset restrictions, and superset restrictions. These restrictions produce more efficient auction outcomes by placing extra constraints on bidders who specify larger combinations in their bids, thereby penalizing attempts at strategic bidding without ruling out genuine attempts to avoid an exposure problem.

Dinwoodie (2002/0082980 A1) teaches an interactive remote auction bidding system for conducting an auction utilizes a data input device for communication over a network to the auction site. The system includes a data processor located at the auction site for generating bid information for communication over the network to the remote locations. A processor located at the auction side monitors the participants' data input devices for sensing participant bids generated by the participants' data input devices.

Guler (2003/0018562 A1) teaches an automated estimation and optimization solution for selecting the best auction format. An embodiment of the present invention provides a method and system that determines the latent elements of the auction environment taking into account the strategic and information conditions with minimal assumptions on the distributions of unobserved random elements. In one embodiment of the present invention, structural analysis of bid data from prior auction is used to identify and

estimate the distributions of bidders' private signals conditional on observable bidder characteristics.

Gray (2003/0041011 A1) teaches a system, method, apparatus, and computer program code for conducting a buy-side auction includes defining a plurality of transformation functions available for use in the auction. An offer to sell the item requested in the auction is received from a seller, and at least one transformation function is identified, based at least in part on the offer or the seller. The selected transformation function is applied to the offer to produce a transformed offer, and a state of the auction is updated based on the transformed offer.

Soulanille (2004/0039733 A1) teaches a method and system are disclosed for displaying a search result list in response to a search request from a searcher using a computer network. Ranks in the search result list are auctioned for a search term for a determined display period. A database is maintained to include search listings, where the search listings are associated with a winning bidder for a specified rank in the search result list, the search term and the determined display period. The search result list displayed to the searcher includes search listings ordered in accordance with respective ranks, for the determined display period.

Nuriel (2004/0267624 A1) teaches An auction method allows an individual the opportunity to purchase an item through bidding on an auction of the item at a fixed limit

price or lower. A set number of bidders each pay a nominal fee to bid on the item and bid at any price lower than the set limit price. If more than one person bids the same amount on that item, his/her bids are eliminated. This process continues until the set number of people bid. The person with the highest unmatched bid will have the opportunity to buy that item for the price that he/she bid. The auction can also be timed out after a certain number of days.

Mori (US 6,044,363) teaches an automatic auction method which makes it unnecessary for bidders to stay before auction terminals at the time of auction and which makes possible auction transactions on an open network on which it is difficult to assure the on-line and real time properties, a plurality of auction ordering information pieces each containing a desired price, number of purchase, and a highest possible price in competition for the desired price and received from bidder terminals via on-line circuits are collected.

Alaia (US 6,230,146 B1) teaches a method and system for conducting electronic auctions is described. A dynamic lot closing extension feature avoids collisions in closing times of multiple lots by dynamically extending the closing time of a subsequent lot if a preceding lot's closing time is extended to be too close to the subsequent lot's then-currently scheduled closing time. Scheduled closing times can be extended with a flexible overtime feature, in which the properties of the event triggering the extension and the duration of the overtime period(s) can be tailored to a particular auction,

particular lots of products within an auction, and to the particular time within an auction process.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald C. Vizvary whose telephone number is 571-270-3268. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ella Colbert can be reached on 571-272-6741. The fax phone number for the organization where this application or proceeding is assigned is 571-270-4268.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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